

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 12/28/2022

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POLICE OFFICER DANA HARGE,

Plaintiff,

-v-

CITY OF NEW YORK, et al,

Defendant.
-----X

16-cv-05160 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

On August 26, 2021, this Court granted summary judgment in favor of Defendants on all claims, including Plaintiff's claims under the New York City Human Rights Law ("NYCHRL"). Dkt. No. 121. Plaintiff appealed, and the Second Circuit affirmed this Court's grant of summary judgment on all claims except Plaintiff's claims under the NYCHRL. Dkt. No. 134. With respect to those claims, the Second Circuit vacated and remanded the Court's grant of summary judgment. *Id.* In its decision, the Second Circuit stated:

Rather than remand for the district court to address those claims on the merits, however, we think that, absent a live federal claim, the questions posed by Harge's city discrimination claims are "best left to the courts of the State of New York," should Harge seek to pursue them further. *Giordano v. City of New York*, 274 F.3d 740, 754 (2d Cir. 2001). We therefore remand Harge's NYCHRL claims with instructions to the district court to dismiss them without prejudice.

Id.

Since the Second Circuit's decision, Plaintiff separately submitted a letter to this Court requesting that the Court dismiss the NYCHRL claims without prejudice to Plaintiff bringing them in a different forum. Dkt. No. 132. Defendant has no objection to this request. Dkt. No. 135.

Accordingly, it is hereby ORDERED that Plaintiff's NYCHRL claims in the instant

matter are dismissed without prejudice. The Clerk of Court is respectfully directed to close this case.

SO ORDERED.

Dated: December 28, 2022
New York, New York

A handwritten signature in black ink, appearing to read 'L. Liman', written over a horizontal line.

LEWIS J. LIMAN
United States District Judge